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*Attorneys for Defendants*  
*Gary Piccinini, Bryan Shields,*  
*Dwight Neven, Nevada Department of Corrections,*  
*Jane Balao, Christopher Shields, and Rosemarie McCrary*

**UNITED STATES DISTRICT COURT**  
**DISTRICT OF NEVADA**

BONNIE LOPEZ, individually as sister  
 and Special Administrator for the Estate of  
 MELODY MORGAN, deceased; COLLEEN  
 LACKEY, individually as mother of  
 MELODY MORGAN, deceased,

Plaintiffs,

vs.

THE STATE OF NEVADA ex rel.  
 NEVADA DEPARTMENT OF  
 CORRECTIONS, WARDEN DWIGHT  
 NEVEN, individually; GARY PICCININI,  
 ASSISTANT WARDEN, individually;  
 BRYAN SHIELDS, individually; OFFICER  
 JOEL TYNNING, individually; OFFICER  
 KARISSA CURRIER; OFFICER JAZMINA  
 FLANAGAN; NURSE JANE BALAO;  
 NURSE BRIGIDO BAYAWA; NURSE  
 LEILANI FLORES; NURSE ROSEMARY  
 MCCRARY; NURSE MA LITA  
 SASTRILLO; NURSE CHRIS SHIELDS;  
 DOES I through X; and ROE ENTITIES I  
 through X, inclusive,

Defendants.

CASE NO. 2:21-cv-01161-JAD-BNW

**MOTION TO EXCUSE PERSONAL  
 ATTENDANCE OF BRYAN SHIELDS  
 AT DECEMBER 1, 2021 SETTLEMENT  
 CONFERENCE (ECF NO. 22)**

...

...

1 Defendants Gary Piccinini, Bryan Shields, Dwight Neven, Nevada Department of  
2 Corrections (“NDOC”), Jane Balao, Christopher Shields, and Rosemarie McCrary  
3 (collectively “NDOC Defendants”) hereby request this Court to excuse defendant Bryan  
4 Shields’ personal attendance at the settlement conference, which was recently rescheduled  
5 from October 20, 2021, to December 1, 2021. *See* ECF Nos. 16, 20, and 22.

## 6 **I. INTRODUCTION**

7 On August 6, 2021, the Court entered an order scheduling a settlement conference  
8 for October 20, 2021 to take place via Zoom videoconference. ECF No. 16 at 1.

9 At the request of Plaintiffs’ counsel, who cited a conflict on October 20, 2021, the  
10 parties discussed alternative dates to hold the settlement conference. The dates that  
11 worked best for most parties, their representatives, their counsel, and the Court were  
12 December 1 and December 2. Thereafter, the parties submitted a stipulation and order to  
13 reschedule the settlement conference for December 1, 2021, ECF No. 20, which the Court  
14 granted on August 27, 2021. ECF No. 22.

15 For the reasons stated below, the NDOC Defendants request this Court to excuse  
16 Bryan Shields from personally participating in the Zoom settlement conference.

## 17 **II. ARGUMENT**

18 The Order Scheduling Settlement Conference requires “all individual parties” to  
19 appear at the settlement conference and “prepare to participate in the Settlement  
20 Conference for the entire business day unless Judge Weksler indicates otherwise.” ECF  
21 No. 16 at 1:18-19; *id.* at 2:4. Although the Order Scheduling Settlement Conference does  
22 not specifically allow for a procedure whereby a party can seek to be excused, the Court  
23 typically allows parties to file a motion or request to excuse a party’s attendance. *See, e.g.,*  
24 Case 2:15-cv-01228-APG-DJA, ECF No. 518 at 2:6-7 (“A request for an exception to the  
25 above attendance requirements must be filed and served on all parties at least 14 days  
26 before the SC”).

27 Good cause exists to excuse Bryan Shields from personally participating in the  
28 settlement conference. This is a multi-party case—two plaintiffs and 12 defendants—

1 involving five sets of counsel, making scheduling especially difficult. Bryan Shields is the  
 2 only (NDOC) defendant unable to attend the settlement conference due to a preplanned  
 3 vacation. *See* Ex. A, Bryan Shields Declaration ¶ 4. All six other NDOC defendants are  
 4 available to participate in the December 1, 2021 settlement conference.

5 Mr. Shields' absence would not frustrate the settlement conference, because he has  
 6 agreed to make himself available via cell phone if his input or assistance is needed. Ex. A.,  
 7 Bryan Shields Declaration ¶ 4. Moreover, individuals with full settlement authority will  
 8 be present and participate on Mr. Shields' behalf: NDOC will be represented by deputy  
 9 director Brian Williams, and the State's tort claim manager, Nancy Katafias.

10 Finally, none of the parties object to Mr. Shields not personally participating in the  
 11 Zoom videoconference; they agreed to Mr. Shields making himself available via cell phone  
 12 instead. *See* SAO Rescheduling Settlement Conference, ECF 20, at 2 n. 1.

13 For these reasons, the NDOC defendants respectfully request this Court to excuse  
 14 Bryan Shields from personally participating in the December 1 settlement conference.

15 DATED this 27<sup>th</sup> day of August, 2021.

16 AARON D. FORD  
 17 Attorney General

18 By: /s/ Akke Levin  
 19 Akke Levin (Bar No. 9102)  
 20 Senior Deputy Attorney General  
 21 Katlyn M. Brady (Bar No. 14173)  
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*Attorneys for Defendants*  
*Gary Piccinini, Bryan Shields, Dwight Neven,*  
*Nevada Department of Corrections, Jane Balao,*  
*Christopher Shields, and Rosemarie McCrary*

23 **IT IS SO ORDERED**

24 **DATED:** 4:54 pm, August 30, 2021

25 

26 **BRENDA WEKSLER**  
 27 **UNITED STATES MAGISTRATE JUDGE**  
 28